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SEP 02 2008**FACSIMILE COVER SHEET**

Deliver to: Phuong M. Phu, USPTO Art Group: 2611
Facsimile No.: (571) 273-8300 Date: September 2, 2008
From: Brent E. Vecchia, Reg. No. 48,011
Our Docket No.: 42P17667 Number of pages 6 including this sheet.
Application No.: 10/749,987 Filing Date: 12/31/2003.
Docket Due Date(s):

Enclosed are the following documents:

- | | |
|---|---|
| <input type="checkbox"/> Amendment: (pgs) | <input type="checkbox"/> Issue Fee Transmittal |
| <input type="checkbox"/> Appeal Brief (pgs) | <input type="checkbox"/> Notice of Appeal (in duplicate) |
| <input type="checkbox"/> Application: (pgs) w/cover & abstract) | <input type="checkbox"/> Petition for: |
| <input type="checkbox"/> Assignment & Cover Sheet (pgs) | <input type="checkbox"/> Request for Continued Examination (RCE) (in duplicate) |
| <input checked="" type="checkbox"/> Certificate of Facsimile | <input type="checkbox"/> Reply Brief (pgs) |
| <input type="checkbox"/> Continued Prosecution Application (CPA) | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i) |
| <input type="checkbox"/> Declaration & POA (pgs) | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request |
| <input type="checkbox"/> Drawings: sheets, figures | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Extension of Time: | <input type="checkbox"/> Response to Written Opinion (pgs) |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Terminal Disclaimer |
| <input type="checkbox"/> IDS & PTO/SB/08 (pgs) | <input type="checkbox"/> Transmittal of Publication Fee Due |
| <input checked="" type="checkbox"/> Other: Applicant Interview Summary (2 pgs.) | <input checked="" type="checkbox"/> Transmittal Letter |

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.84)

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Shannon Serrano Date 9/2/2008

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application No.	10/749,987	
	Filing Date	December 31, 2003	
	First Named Inventor	Neil J. Bershad	
	Art Unit	2611	
	Examiner Name	Phuong M. Phu	
Total Number of Pages in This Submission	6	Attorney Docket Number	42P17667

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Applicant Interview Summary Facsimile Cover Sheet
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Brent E. Vecchia, Reg. No. 48,011 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	<i>Brent E. Vecchia</i>
Date	September 2, 2008

CERTIFICATE OF MAILING/TRANSMISSION			
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Typed or printed name	Shannon Serrano		
Signature	<i>Shannon Serrano</i>	Date	September 2, 2008

Based on PTO/SB/21 (10-07) as modified by Blakely, Sokoloff, Taylor & Zafman (w/1) 10/03/2007
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FEE TRANSMITTAL for FY 2007		<i>Complete if Known</i>	
<small>Patent fees are subject to annual revision.</small>		Application Number	10/749,987
		Filing Date	December 31, 2003
		First Named Inventor	Neil J. Bershad
		Examiner Name	Phuong M. Phu
		Art Unit	2611
		Attorney Docket No.	42P17667
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
TOTAL AMOUNT OF PAYMENT (\$)			

METHOD OF PAYMENT (check all that apply)	
<input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input checked="" type="checkbox"/> None <input type="checkbox"/> Other (please identify): _____	
<input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u>	
For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)	
<input type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee	
<input checked="" type="checkbox"/> Charge any additional fee(s) or underpayment of fee(s) <input checked="" type="checkbox"/> Credit any overpayments	
under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.	

FEE CALCULATION					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet.	
2053	130	2053	130	Non-English specification	
1251	120	2251	60	Extension for reply within first month	
1252	460	2252	230	Extension for reply within second month	
1253	1,050	2253	525	Extension for reply within third month	
1254	1,640	2254	820	Extension for reply within fourth month	
1255	2,230	2255	1,115	Extension for reply within fifth month	
1401	510	2401	255	Notice of Appeal	
1402	510	2402	255	Filing a brief in support of an appeal	
1403	1,030	2403	515	Request for oral hearing	
1451	1,510	2451	1,510	Petition to institute a public use proceeding	
1460	130	2460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
1809	810	1809	405	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
SUBTOTAL (2)				(\$)	

SUBMITTED BY		<i>Complete (if applicable)</i>	
Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011
Signature	<i>Brent E. Vecchia</i>	Telephone	(303) 740-1980
		Date	09/02/08

Revised on PTO/SD-17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/15/2004
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FEE TRANSMITTAL for FY 2007 <small>Patent fees are subject to annual revision.</small>		Complete if Known	
		Application Number	10/749,987
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	December 31, 2003
		First Named Inventor	Neil J. Bershad
TOTAL AMOUNT OF PAYMENT : (\$)		Examiner Name	Phuong M. Phu
		Art Unit	2611
		Attorney Docket No.	42P17667

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit card
 ☐ Money Order
 ☒ None
 ☐ Other (please identify): _____

☒ Deposit Account Deposit Account Number: 02-2666 Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

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 ☐ Charge fee(s) indicated below, except for the filing fee
☒ Charge any additional fee(s) or underpayment of fee(s) under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.
 ☒ Credit any overpayments

FEE CALCULATION

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
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1810	810	2810	405	For each additional invention to be examined (37 CFR § 1.129(b))	
Other fee (specify)					
SUBTOTAL (2)				(\$)	

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Brent E. Vecchia	Registration No. (Attorney/Agent)	48,011
Signature	<i>Brent E. Vecchia</i>	Telephone	(303) 740-1980
		Date	09/02/08

Based on PTO/SB/17 (12-04) as modified by Blakely, Sokoloff, Taylor & Zafman (wtr) 12/13/2004.
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OUR DOCKET NO: 42P17667

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application. No.	: 10/749,987	Confirmation No.	:
1 st Named Inventor	: Neil J. Bershad	Art Unit	: 2609
Filed	: 12/31/2003	Examiner	: Quynh Nguyen
Docket No.	: 42P17667	Customer No.	: 7590

APPLICANT INTERVIEW SUMMARY

Assistant Commissioner for Patents
Alexandria, VA 22313-1450

This Applicant Interview Summary is filed in response to the Interview conducted with the Examiner in the above-identified case in accordance with 37 CFR 1.133 and MPEP 713.04.

The Examiner phoned Representative to request the interview. The time and date of the interview was 11:00 MST on 8/29/08. The participants in the interview were Quynh Nguyen (Examiner) and Brent Vecchia (Representative). The interview was telephonic.

During the interview, Ms. Nguyen requested a short explanation of the specification. Mr. Vecchia walked the Examiner through Figures 1-3 and the associated portions of the specification.

Ms. Nguyen also asked how the claims distinguished over the cited references relied upon by the former Examiner. Claim 1 was read. Mr. Vecchia asserted that claim 1 was allowable over the cited art relied upon by the former Examiner for the reasons set forth in the Appeal Brief previously filed in the above-identified case. Mr. Vecchia read and reviewed certain of the arguments presented in this Appeal Brief.

No firm agreement was reached. Although it is believed that the current claims distinguish over the cited art, in order to expedite allowance, Mr. Vecchia agreed to send a set of proposed claim amendments to the Examiner. The Examiner agreed to review the proposed claim amendments, do an updated search, and consider allowing the claims with these proposed claim amendments. No exhibit was shown or demonstration conducted.

No fee is believed to be due. However, please charge any needed extension of time or other needed fees to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: 9/2/08

Brent E. Vecchia

Brent E. Vecchia
Reg. No. 48,011

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